

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 SOUTHERN DIVISION

4 UNITED STATES OF AMERICA,)
5 Plaintiff ,)
6)
7 vs.) CASE NUMBER: 8:25-cr-00006-LKG
8)
9 THOMAS C. GOLDSTEIN,)
10 Defendant.)
11 _____)

12 TRANSCRIPT OF PROCEEDINGS - MOTIONS HEARING/FARETTA HEARING
13 BEFORE THE HONORABLE TIMOTHY J. SULLIVAN
14 UNITED STATES MAGISTRATE JUDGE
15 Monday, February 10, 2025
16 Greenbelt, Maryland

17 A P P E A R A N C E S

18 FOR THE PLAINTIFF:

19 BY: PATRICK KIBBE, ESQUIRE
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22 Greenbelt, Maryland 20770

23 BY: STANLEY OKULA, ESQUIRE
24 DEPARTMENT OF JUSTICE - TAX DIVISION
25 150 M Street, N.E., Room 2.142
 Washington, DC 20002

26 THE DEFENDANT, appearing pro se

27 Also Present:

28 Adam Smith, Office of Pretrial Services

29
30 ***Proceedings recorded by FTR GOLD***
31 Transcript produced by computer-aided transcription

PROCEEDINGS

(2:39 p.m.)

THE COURT: Good afternoon, everybody. Have a seat. Government, call the case, please.

5 **MR. KIBBE:** Calling the case of United States v.
6 Thomas C. Goldstein; Criminal Action Number LKG-25-6. We're
7 here for the purpose of a hearing on the Government's motion
8 for revocation of the release order. Good afternoon, Your
9 Honor. Assistant United States Attorney Patrick Kibbe, along
10 with senior litigation counsel Stanley Okula from the
11 Department of Justice Tax Division on behalf of the
12 Government.

13 **THE COURT:** All right, thank you. Good morning --
14 good afternoon.

15 Mr. Goldstein, good afternoon.

16 THE DEFENDANT: Good afternoon.

17 **THE COURT:** With us is Officer Smith from Pretrial.

18 PRETRIAL OFFICER SMITH: Good afternoon.

19 **THE COURT:** So what brings us together today is the
20 following: So the Government presented a ex parte motion for
21 an arrest warrant and to revoke Mr. Goldstein's conditions of
22 release. I granted that motion this morning and apparently,
23 Mr. Goldstein was taken into custody.

24 We're here for basically two reasons today. One is to
25 explain to Mr. Goldstein what is happening in that I revoked

1 his conditions of release; and two is we have an Attorney
2 Inquiry Hearing Wednesday about the unsettled status of
3 counsel for Mr. Goldstein whether he's retaining, whether he's
4 representing himself, whether he wants to apply for
5 court-appointed counsel if he's financially unable to afford
6 counsel.

7 Mr. Reed, who I see here entered an appearance today;
8 however, it's again, a special appearance limited, just like
9 Mr. Berman, just like Mr. Lauro. There is nothing in the
10 local rules or the federal rules that I'm aware of that allow
11 lawyers to jump into federal criminal cases on a piecemeal
12 fashion. So I recognize that Mr. Reed has filed what he's
13 filed, but I'm happy that he's not sitting at counsel table
14 because I was going to tell him that he had to step back, in
15 any event.

16 So I've revoked your conditions of release. You have --
17 I don't think we have to have a hearing on it. If you want to
18 have a hearing, you can -- I'm sure you don't have the ability
19 now to present whatever it is you want to present, maybe you
20 do.

21 But let me hear from the Government about what it thinks
22 is going on today because I really -- one of the things I plan
23 on resolving is Mr. Goldstein's counsel status and if we have
24 to have a Faretta hearing, we'll have a Faretta hearing.

25 Mr. Kibbe?

1 **MR. KIBBE:** Thank you, Your Honor. That was the
2 first point that I was going to bring up is if Mr. Goldstein
3 wants to represent himself today, then perhaps a Faretta
4 hearing would be appropriate to make sure Mr. Goldstein
5 understands, and I'm sure he does, but everything that goes
6 along with that to protect his Sixth Amendment and Fifth
7 Amendment rights.

8 And then I'm happy at any point if Your Honor would like
9 to go through the Government's motion, the facts of the
10 motion, the exhibits of the motion. I'll leave that to the
11 Court's discretion.

12 **THE COURT:** So Mr. Goldstein, let me ask you this:
13 Have you had an opportunity to review the Government's motion?

14 **THE DEFENDANT:** Yes.

15 **THE COURT:** Okay. And I'm sure you disagree with
16 it?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** What are you doing about an attorney?

19 **THE DEFENDANT:** I'm representing myself pro se. I'm
20 happy to have a Faretta hearing. It's not required. Faretta
21 applies at critical stages of the proceeding.

22 **THE COURT:** Right.

23 **THE DEFENDANT:** Hearing on bail conditions isn't a
24 critical stage of the proceedings, but I don't mind. If you
25 want to do it for avoidance of doubt and also I do -- I

1 actually do believe that there is -- the Government having put
2 on evidence, and submitted a brief, that there is a right to
3 be able to put on evidence and present argument and I want to
4 do that.

5 **THE COURT:** Right. And I'm cognizant of the fact
6 that you are kind of at a disadvantage because the Government
7 made a proffer, I granted the motion, granted the arrest
8 warrant and you really haven't had a fulsome or any
9 opportunity to say the Government is wrong, that these aren't
10 your cryptocurrency wallets, they belong to somebody else,
11 there's whatever, whatever, and I recognize that.

12 And again, the posture that we're in is I put you out on
13 conditions of release. And pretrial filed a notice of
14 apparent violation. Have you seen that?

15 **THE DEFENDANT:** No.

16 **THE COURT:** All right. So Mr. Smith, give Mr.
17 Goldstein --

18 **THE DEFENDANT:** Is it based on the same thing, Your
19 Honor?

20 **THE COURT:** Yeah. But you should really look at it
21 and have a copy of it.

22 **THE DEFENDANT:** Okay, I understand it.

23 **THE COURT:** All right. So look, I do appreciate the
24 irony of going through what -- and I do believe at least a
25 culture in this court is we feel strongly about people being

1 represented by counsel. The Sixth Amendment means something.
2 And I'm also cognizant of the Supreme Court's strong
3 admonitions that individuals have the right to represent
4 themselves. And they also have the right to counsel of
5 choice. And I do appreciate the fact that you are an attorney
6 and that every one of your questions to my standard Faretta
7 inquiry is going to be yes. But I do think that the record
8 needs to reflect that.

9 And, you know, Judge Griggsby may want to do this herself
10 at another time if you maintain your position to
11 self-represent yourself. So I think it's probably prudent
12 just to do that colloquy now and then we can figure out where
13 we go from there.

14 **THE DEFENDANT:** Sure. And Your Honor, my point isn't
15 that it's my desire to represent myself pro se, it's that the
16 conditions of release have made it impossible for me to retain
17 counsel.

18 **THE COURT:** Sure.

19 **THE DEFENDANT:** And so I'm perfectly -- but it is my
20 desire to do so for purposes of this hearing and the Faretta
21 hearing and everything.

22 **THE COURT:** But you understand my cynicism of your
23 observation that given the Government's proffer that there are
24 millions of dollars floating through cryptocurrency wallets
25 that belong to you.

1 **THE DEFENDANT:** Right. And Your Honor, what I will
2 tell you now is that within a week, the Government will file
3 something acknowledging that that's not mine and that they are
4 wrong.

5 **THE COURT:** Understood, okay.

6 All right, so Mr. Goldstein, under *Farett v. California*
7 I'm going to ask you a series of questions. I'm going to
8 shorthand them because I know you're an attorney with a
9 tremendous amount of experience. So you can just answer yes
10 to every one of these questions.

11 **THE DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** All right. I assume that you're
13 familiar with the United States Sentencing Guidelines and how
14 it works?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** And that you're familiar with the
17 Federal Rules of Evidence?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** And you're familiar with the Federal
20 Rules of Criminal Procedure?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** Are you familiar with the Court's local
23 rules?

24 **THE DEFENDANT:** Sufficiently, yes.

25 **THE COURT:** And enough that you know how to access

1 them and find them off the website and to adhere to the
2 conduct expected in the local rules and the policies and
3 procedures?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** That you understand the governing
6 Supreme Court and Fourth Circuit law about criminal procedure
7 and the substantive issues in this case?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** That you understand the serious nature
10 of the charges against you as contained in the Indictment that
11 was returned on January 16, 2025 which charges you with a
12 total of 22 counts. And you understand both the nature of all
13 of those substantive counts, the maximum possible penalties;
14 is that correct?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** You understand that there is no parole
17 in the federal system?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** Do you understand that obviously the
20 complexity of the federal criminal litigation generally and in
21 cases like this that are hypertechnical, paper dependent,
22 record dependent, and complicated?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** Do you understand that there is a
25 serious disadvantage for somebody to represent themselves,

1 especially if they're in custody, to do all the things that is
2 necessary to prepare a case? File and investigate pretrial
3 motions, do an investigation, interview witnesses, do all the
4 things that one -- contact experts, retain experts, work with
5 experts? All those things are very difficult for a person to
6 do on his or her own whether they're a lawyer or not.

7 Do you understand that?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** And do you also understand that it is
10 tremendously even more difficult if you remain in a custodial
11 status with a marshal service pending the case?

12 Do you understand that?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** Just how many cases -- I know you have a
15 background, but have you actually -- I know you do appellate
16 work, but have you actually represented someone in a criminal
17 trial in a federal court anywhere?

18 **THE DEFENDANT:** I have done all of the pretrial
19 proceedings. The case was dismissed and we prevailed. So
20 there wasn't a trial, but all of the pretrial work. And I'm
21 certainly familiar with -- I have taught evidence in law
22 school. I'm very familiar with criminal procedure and the
23 practice.

24 **THE COURT:** So you understand that you and you alone
25 will be responsible for reviewing all the discovery that the

1 Government provides, providing the Government reciprocal
2 discovery under the rules requesting if you believe the
3 Government hasn't filed -- I mean, hasn't provided you with
4 the necessary discovery you're going to have to interact with
5 them on that. You understand that you have an obligation to
6 produce such discovery to the Government? You have to conduct
7 your own factual investigation? You have to develop your own
8 legal theories? You have to research and draft your own
9 motions and file them? You have to prepare your own jury
10 instructions? You have to do your own opening and closings?
11 You have to interview people, figure out who to serve
12 subpoenas, use the process of the court to subpoena those
13 individuals, if appropriate? That you have to examine
14 witnesses on your own, cross-examine Government witnesses
15 during the trial, present evidence, object to questions during
16 the trial if you feel they are inappropriate, preserve any
17 evidentiary objections during the trial for any appeal? And
18 in the event that you're not acquitted you have to engage in a
19 presentence process as ordered by Judge Griggsby, including
20 the preparation of any mitigation and/or presentence report
21 and the process of a federal criminal sentencing?

22 Do you understand that?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** And if convicted, you will be
25 responsible for litigating on your own any sentencing

1 guidelines, any adjustments under the guidelines. Even though
2 they're advisory, they still have to be calculated and done by
3 the district judge.

4 Do you understand that?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** And in the event that you're convicted,
7 you have to also note your own timely appeal to the United
8 States Court of Appeals for the Fourth Circuit.

9 Do you understand that?

10 **THE DEFENDANT:** I do.

11 **THE COURT:** And have you given this considerable
12 thought about your decision to represent yourself?

13 **THE DEFENDANT:** I have.

14 **THE COURT:** And do you understand that if I accept
15 your decision and/or Judge Griggsby does this inquiry under
16 Faretta, you may not be able to change your mind?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** Okay. And again --

19 **THE DEFENDANT:** Pardon me, Your Honor, and just to
20 reiterate what I said before regarding the Faretta inquiry and
21 I am answering the question yes, it is my view that the Court
22 will conclude that the conditions of release should be
23 modified in a way that will allow me to retain counsel. But
24 if that doesn't occur, then absolutely yes.

25 **THE COURT:** Sure. And again, I'm purposely not

1 talking about that because you've appealed that to Judge
2 Griggsby in a pro se capacity and that's pending with Judge
3 Griggsby. And it's for Judge Griggsby to either affirm or
4 reverse. I've had both over 13 years, so it is what it is.

5 **THE DEFENDANT:** Yes, sir.

6 **THE COURT:** But I'm aware of that. And I read your
7 motion so I understand that we're not -- I don't feel that's
8 necessarily appropriate for me to talk about it.

9 **THE DEFENDANT:** I'm just saying it for the record,
10 Your Honor.

11 **THE COURT:** So do you believe that you can tell me
12 that you've made a notion and intelligent decision to forgo or
13 forfeit your right to counsel and represent yourself at this
14 time?

15 **THE DEFENDANT:** I do and I can.

16 **THE COURT:** Okay. And do you have any hesitation,
17 concerns? I understand about what's pending in front of Judge
18 Griggsby, but do you have any concerns about representing
19 yourself that you want to articulate or put on the record?

20 **THE DEFENDANT:** No. I think you've been very
21 thorough, Your Honor.

22 **THE COURT:** And that you feel that not only based on
23 your past experience as a lawyer, but your knowledge of this
24 case and your ability to battle with the Government in a court
25 of law that you are well-equipped to do so?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** All right. And just before -- just for
3 completeness purposes, where did you go to law school?

4 **THE DEFENDANT:** I went to American University.

5 **THE COURT:** And how long have you been a practicing
6 attorney?

7 **THE DEFENDANT:** About a quarter century.

8 **THE COURT:** And if you had to tell us in one or two
9 sentences what the nature of your practice has been for a
10 quarter of a century, what would it be?

11 **THE DEFENDANT:** I litigated a variety of the cases
12 that you referenced so far. I have been deeply involved in
13 all matter of federal questions including with respect to
14 criminal procedure. In particular, the sentencing guidelines,
15 *Booker*, *Fanfan* I litigated. I would say that on questions of
16 law, my practice has been pretty comprehensive, but I have the
17 good fortune through other work that I've done to become
18 familiar with criminal procedure. I view the work that's done
19 in trial courts as essential and very detail oriented and its
20 own special set of concerns and need and I am very attentive
21 to those.

22 **THE COURT:** Now you know I can't help myself, but
23 like you're too young to have anything to do with *Gideon*,
24 right? You weren't representing him -- you weren't involved
25 in that case, were you?

1 **THE DEFENDANT:** No, but I have done other right to
2 counsel work.

3 **THE COURT:** I'm kidding. I understand.

4 All right, Government, any additional questions or areas
5 of inquiry you want the Court to ask Mr. Goldstein?

6 **MR. KIBBE:** No, Your Honor.

7 **THE COURT:** All right. The Court makes the
8 following findings of fact: I find that Mr. Goldstein is, in
9 fact, a lawyer; he has tremendously -- tremendous experience
10 representing others in federal court in complex criminal cases
11 and he definitely is not like most Faretta inquiry hearings
12 where a layperson has the gigantic uphill battle of even
13 understanding the basics.

14 Mr. Goldstein answered every question in the affirmative
15 and he totally understands -- the Court finds that he totally
16 understands without hesitation the complexity and challenges
17 that he faces representing himself in this capacity at this
18 time, that he understands the charges in the Indictment. He
19 understands the maximum possible penalties. He understands
20 the guidelines. He also understands, given his experience,
21 that during a trial the trial judge can't help him. Judge
22 Griggsby can't treat him any different than any other advocate
23 in her courtroom. That he'll be held to the same standards as
24 an attorney concerning the rules of evidence and criminal
25 procedure. And the Court finds by clear and convincing

1 evidence that there's ample grounds to find that Mr. Goldstein
2 has waived his right to counsel at this time and that he can
3 proceed in his pro se self-represented capacity. Okay?

4 So having said that, the limited appearances of Mr.
5 Berman, Mr. Lauro -- was that his name? Lauro, and Mr. Reed
6 will obviously remain on the docket, but they will not be
7 representing you anymore. And it would be inappropriate for
8 Mr. Berman or Mr. Read or -- because they're members of our
9 bar, to file things for you on CM/ECF. You're going to have
10 to work with whoever else in the clerk's office to make sure
11 that whatever you want to get filed gets filed pursuant to our
12 local rules, but you can't use their resources to
13 electronically file things. You might have your own
14 electronic filing thing, I don't even know.

15 **THE DEFENDANT:** Your Honor, I'll just say that the
16 United States' position is that I cannot file pro se. They
17 moved to strike my pro se filing which is to say their
18 position is that nobody can file anything on my behalf.

19 **THE COURT:** Right. Well, you can't have hybrid
20 representation, though.

21 **THE DEFENDANT:** It's not hybrid, Your Honor. They
22 moved to strike a pro se filing.

23 **THE COURT:** What the Government did, yeah. Well,
24 again, look, the beauty, Mr. Goldstein, of being a magistrate
25 judge is that when people appeal me it's not my problem

1 anymore. So it's Judge Griggsby I would assume will handle
2 that in the normal course. But I understand your position.
3 But the Court's concern and the long precedent of -- I don't
4 pretend to be the legal scholar that you are, but that we
5 guard zealously against this hybrid representation and that
6 you can either represent yourself, you can have a lawyer
7 represent you, but never the two shall meet. And there's
8 possibilities in some cases where standby counsel is appointed
9 and there's a lot of different variations, but it becomes very
10 confusing for a lot of people if lawyers are filing things for
11 you.

12 But that's a legal issue that can be raised and
13 adjudicated with Judge Griggsby. Because, again, I'm just a
14 magistrate judge. I just want to get you out of my life, all
15 right? No disrespect. I want to get Mr. Kibbe out of my
16 life, because the merits of all of this are going to occur in
17 front of Judge Griggsby, right?

18 So having said that, I do find that Mr. Goldstein is
19 proceeding pro se, effectively immediately.

20 All right. Mr. Kibbe, anything else that we need to do?

21 **MR. KIBBE:** Not on that part, Your Honor. Would you
22 like me to present argument on the Government's motion?

23 **THE COURT:** Well, I guess the issue on that is the
24 way I read the order, I've already revoked Mr. Goldstein's
25 conditions of release based on the proffer that was in the

1 motion. Understanding that Mr. Goldstein has not seen this
2 before today, I assume you have a copy now; is that correct?

3 **THE DEFENDANT:** I did get one eventually, Your
4 Honor.

5 **THE COURT:** Okay, yeah. And that I'm sure that Mr.
6 Goldstein takes -- well, he's already said it, that he
7 believes that the Government's motion is without merit and
8 that you're going to be filing something say in like mea-
9 culpa, I'm sorry, and I understand that. But the way I view
10 this right now is that the proffer that was contained in the
11 motion was sufficient enough for me to revoke his conditions
12 of release under 3148 and I can take us through that inquiry,
13 but to me it's -- at this point it's not really about wallets
14 with gigantic long numbers or anything like that. To me it's
15 about my conditions of release and the conditions of release
16 that I imposed. And Pretrial's belief that you weren't
17 forthright in disclosing these cyber currency accounts, these
18 wallets. And also the representations in the motion, again,
19 could be wrong, but that you have been engaging in
20 transferring funds in both of the wallets of significant
21 amounts of money. And if that's the case, then you have
22 violated my condition of release that you may not.

23 **MR. KIBBE:** It would violate no transfers.

24 **THE COURT:** Right, that you may not transfer any
25 funds without prior pretrial approval. And again, I totally

1 expect you're going to file a motion for a reconsideration.
2 And if and when you do, I will get you in for a very, very
3 timely hearing as fast as I possibly can. And you can put the
4 Government to the test.

5 Now understand too that, you know, at this stage the
6 practice in this court is mostly proceeding by proffer, right?
7 We don't end up having large evidentiary hearings where you'll
8 be able to call case agents and start -- not that you would,
9 but engage in fishing expeditions for things downstream that
10 may benefit you at a trial or at some other point. So, you
11 know, that's how I'm viewing where we are.

12 So to answer your question, Mr. Kibbe, I don't think it's
13 necessary now. If the Government wants to put something on
14 the record, free to do so and then I'll let Mr. Goldstein put
15 something on the record. He's free to do so preliminarily
16 about the status of where we find ourselves, but I'm not going
17 to engage in -- I think it's a disadvantage to Mr. Goldstein
18 to expect him to marshal what he needs today in order to
19 defend against the Government's motion which I granted, but
20 Courts always reconsider things based on the evidence.
21 Sometimes the evidence changes.

22 So Mr. Kibbe, if you want to put something on the record
23 you're totally free to do so. And Mr. Goldstein, you're
24 totally free to do so.

25 **MR. KIBBE:** Thank you, Your Honor. Then the

1 Government would submit on its motion that Your Honor has said
2 it has already granted.

3 **THE COURT:** Mr. Goldstein, anything you want to put
4 on the record other than what you've already put on the
5 record?

6 **THE DEFENDANT:** Yes, Your Honor. I'm going to ask
7 -- the Court, of course, has a motion from the Government and
8 has an evidentiary submission from the Government. As you
9 said, I'm at a disadvantage in that respect. I just in
10 building a little bit of a record here, I'd ask the Court's
11 indulgence. One thing I would like to do is be sworn.

12 **THE COURT:** Be sworn?

13 **THE DEFENDANT:** Sworn, yes. Sworn in that what I'm
14 going to say is the truth.

15 **THE COURT:** Okay, sure.

16 Any objection to that?

17 **MR. KIBBE:** No, Your Honor.

18 **THE COURT:** All right. Mr. Goldstein, could you
19 raise your right hand?

20 **(Defendant, sworn.)**

21 **THE COURT:** Go ahead.

22 **THE DEFENDANT:** Thank you, Your Honor. The reason I
23 wanted to be sworn is I want it to be clear is if I told you
24 -- and I expect to be taken in custody, but I'm going to be in
25 front of you on various things probably for a while. I wanted

1 it to be very clear that if what I tell you isn't true, that
2 I'll have committed perjury. That this is part of the ongoing
3 investigation. The Government has made clear I've engaged in
4 obstruction of justice, that that will result in a sentencing
5 enhancement, in addition to the additional offense. So I just
6 want you to understand the unbelievable seriousness and that I
7 affirmatively asked to be sworn in for these purposes.

8 These are not my accounts. I didn't engage in these
9 transfers. That will be pretty easily provable. I get that
10 the Government was suspicious because it looked strange and I
11 get that when they made the proffer to you your intuition is
12 this really looks like it's true. The Government could have
13 investigated, but knowing that I was -- knowing prudently that
14 I was working on the motion with respect to the conditions,
15 instead it decided to have me arrested.

16 What happened in this situation is that there are other
17 people. And this is commonplace with respect to currency and
18 with respect to gambling. What happened and what I will be
19 able to prove is that third parties, I sent money to third
20 parties. And, in fact, there's text messages here describing
21 what it is that I was doing. And this money went straight
22 into their wallets and I will prove to you that it's in their
23 wallets.

24 I'll give you just a couple of facts on the face of the
25 motion that will make you wonder. And I understand that

1 you've concluded that there's reason to believe that it should
2 be revoked, but I'll give you the facts that will make you
3 wonder.

4 The premise of the motion is that I'm an idiot. Knowing
5 that I was under investigation, I had invoices created and
6 created a record of these transactions, including where these
7 cryptocurrency -- this cryptocurrency was going. And knowing
8 that these people had been subpoenaed and that all that
9 information was in the hands of the Government, the
10 Government's theory in the motion is that rather than taking
11 two seconds and creating a new cryptocurrency account, I like
12 an idiot decided to send tens of millions of dollars through
13 the cryptocurrency account that they inevitably and no doubt
14 were watching. That is not -- that would take an idiot.

15 The other reason I would have to be an idiot is that I
16 would have been an idiot for the past several years. Having
17 access to tens of millions of dollars, what I did is not pay
18 my taxes and took out a mortgage on my house that was utterly
19 unnecessary because I had millions and millions of dollars.
20 And that will give you, I think, an intuition that maybe
21 something is up here.

22 The other thing up here is that the Government maybe
23 thinking that this was a wallet of mine with \$200,000, this is
24 the second wallet that's referenced, never told the Court
25 that, never told Pretrial Services that, never objected to the

1 other motion on the ground that I had hundreds of thousands of
2 dollars that I was hiding from the Government, but they
3 actually knew that I had.

4 What's going to happen, Your Honor, is that I was
5 arrested, they made me surrender my phone and I would have
6 been able hopefully -- I switched phones just in the new
7 iPhone coming out, but hopefully the messages identifying
8 these cryptocurrency accounts and who the ultimate recipients
9 were. One of them I know for sure because he's identified in
10 the text messages will be able to get the other side of the
11 transaction, the other set of messages saying it went to
12 theirs and they are the source of the information.

13 When I confirm -- you're very thorough, Your Honor.
14 You'll see that there are a set of messages which I confirm
15 the receipt. And there will be messages. Either I'll have
16 them or that person will have them saying -- me checking with
17 them, "Did you receive it?" "Yes, I received it." My passing
18 on word that it had been received.

19 Now when all that happens in a few days and when the
20 Government having gotten me put in jail on this basis,
21 notwithstanding the fact that I am swearing, my family should
22 never trust anything I should say, nothing in the trial I say
23 should be trusted, nothing I ever say to you again should be
24 trusted or to Judge Griggsby. Notwithstanding all of that,
25 they're going to have me put in jail.

1 When they come soon and withdraw this because they could
2 have through just any more investigation found out that it
3 wasn't true, I'd like you to realize something about the
4 Government. The Government in this case has gone wild. I
5 have been deeply respected by federal courts for my entire
6 career. The lead prosecutor in this case has been found to
7 have lied to a federal district judge, a judge in England, a
8 judge in Canada. He lied to the grand jury here and to
9 witnesses. And I will prove that.

10 And what I am asking Your Honor is that the Court take
11 this test, take this measure of what's going on in this case.
12 Rather than doing something sensible like investigating this
13 question while I'm working on the conditions of release, doing
14 senseless things like moving to strike a pro se filing when
15 the entire point is that I am filing pro se so that I can get
16 counsel. The Government has a ready, shoot, aim perspective
17 on me. I will prove this is not true. They will come and
18 tell you it's not true in a few days after I have been in
19 jail.

20 I spent the last several hours in shackles. I haven't
21 had a pen to write anything down or submit anything to you.
22 And you will see that this is part of a broader pattern. I
23 just want to build a record now for you and for Judge Griggsby
24 that this is what's been going on for years.

25 The charges with respect to the case are based on just

1 exactly this pattern and that is they take something that
2 looks -- concede there's something that should be investigated
3 here, but you can take a much, much more measured approach and
4 say, you know, is this really true? And instead, the
5 prosecution here has with respect to the Indictment, with
6 respect to this, with respect to the other motions it filed
7 just gone wild. And I want the Court to know it. I want
8 their supervisors and the new administration and the new
9 leadership of the Department of Justice to know it. And I
10 will just continue -- I know I'm going to be in front of you
11 for a while. I promise you, we are going to be back here in a
12 few days. I'm going to reference this conversation. They're
13 going to reference the fact that they stuck to it and I'm
14 going to just continue to demonstrate this to you and to Judge
15 Griggsby over the course of the next several months.

16 **THE COURT:** Okay. All right.

17 Officer Smith, I neglected to ask you, any position or
18 comments by Pretrial about any of this?

19 **PRETRIAL OFFICER SMITH:** Your Honor, the only
20 recommendation at this point is that we would recommend
21 detention based on the fact that we were fully unaware of
22 these crypto accounts that he never reported to Pretrial.

23 When the Court releases somebody on Pretrial supervision,
24 they place a level of trust with that individual being
25 forthright with us. Mr. Goldstein, to his credit, has

1 communicated with me very regularly, but he never disclosed
2 the crypto accounts that the Government is alleging are his.
3 So that is concerning for Pretrial. We have no way of
4 necessarily monitoring accounts of that nature, but for the
5 defendant being forthright with us and telling us about it.
6 So it wasn't until we were notified by the Government about
7 these accounts that we actually were informed of the accounts.
8 So at this point at this juncture we would recommend detention
9 based on that.

10 **THE DEFENDANT:** Your Honor, if I could just add
11 one --

12 **THE COURT:** Sure.

13 **THE DEFENDANT:** Just to -- Pretrial has been so great
14 at communicating with me in this. What he's talking about is
15 that every conceivable thing that might implicate the
16 conditions of release, anything that might look like a
17 transfer, anything at all, anything that just involved the
18 possibility of -- so for example, there's my do not contact
19 list, no communication. Any time anyone tried to contact me I
20 reported it to Pretrial and I had my lawyers tell that person
21 that I'm not allowed to contact you.

22 And Your Honor, this is just going to be part of a
23 pattern here and that is -- when we come back here in a few
24 days because I hope you won't let them just withdraw on paper,
25 I hope you will make them show up and talk to you -- what

1 you're going to see is that there was this pattern of my doing
2 everything beyond the pale to make sure there was no problem
3 with any condition of release. And now I'm going to go to
4 jail because this prosecution has just lost its mind. And
5 this is another example of what they could have done, so many
6 simple things to recognize that this wasn't true.

7 And Your Honor, I think even you are now having doubts
8 because the idea I would put my entire life on the line over
9 the truth of this, I think you realize that we are going to be
10 back here. I hope you do. And that I'm actually telling the
11 truth. And you are nonetheless because of the submissions of
12 these people like the Indictment, like other filings of them,
13 you trust the Government. And I get that. What you are going
14 to see in a few days is that trust is misplaced.

15 **THE COURT:** Well, I understand your point. I think
16 you probably forgot that I was a criminal defense attorney for
17 24 years.

18 **THE DEFENDANT:** I do not.

19 **THE COURT:** And my level of, like, blind trust to
20 the Government is probably not very deep. I'm trying to be
21 fair here and the Government -- if the Government told me
22 things on Super Bowl Sunday night that turned out to be
23 untrue, or half-truths, or lies, then there are consequences
24 for that conduct. Just like if you were moving funds and not
25 telling Pretrial that you had these wallets and you were

1 moving funds, then under 3148 I'm going to find by clear and
2 convincing -- I found already basically that under 3148 by
3 clear and convincing evidence you violated my conditions of
4 release and that I think you're unlikely to abide by them at
5 this time and you're going to be detained. But these issues
6 can always be revisited and I totally expect that we will be
7 revisiting them at some point.

8 **THE DEFENDANT:** Can I? I apologize.

9 **THE COURT:** Go ahead.

10 **THE DEFENDANT:** I do want to make the point that the
11 Government could have structured it this way or allowed the
12 Court to structure it this way that made this utterly
13 unnecessary. The Government could have easily, it was within
14 its power, said okay, we have this serious concern. You're
15 detained, okay? What I want you to do is if you can find the
16 messages with respect to this on your phone or, you know, let
17 us communicate with these people to demonstrate that it's not
18 yours, we get it. But instead, they have made it as
19 functionally impossible as possible. They took my phone away
20 so that I didn't have access. They refused to tell me
21 initially what the detention was about.

22 This is -- to say that there is a clear and convincing
23 evidence standard and the structure of the proceeding will be
24 one that makes it as difficult as possible to demonstrate this
25 is just obviously wrong, these are not my accounts, I think is

1 just another indication that this is going to have been
2 pointless, and unnecessarily so and it's going to end up
3 having been a waste of the Court's time because they could
4 have managed this in a way easily that made it possible for
5 them -- I understand they have a concern. Fine, you have a
6 concern. But to take someone, keep them in shackles for
7 hours, put them in jail over it when they are definitely wrong
8 and they don't have a message saying, you know, anything that
9 I would have done in the past few days, no explanation for why
10 I would have done it. Why I would have \$1,000 deposited in
11 the cryptocurrency account, that they, Your Honor, I think
12 should have structured this in a way that it made it possible
13 for the Court not to have to do this to me.

14 **THE COURT:** Right. Yeah, look, I'm not happy to
15 deal with any of this stuff, right? But look, the Government
16 has the ability to proceed however they see fit. And they --
17 if you file a motion to say hey, I want to review my detention
18 order that I'm going to issue that's already issued, then we
19 will have a prompt hearing on that and you will be able to do
20 whatever it is that you want to do to challenge the Government
21 and maybe things change, maybe they don't. I don't know.

22 But I do recognize that you are operating at a
23 disadvantage now and that is not fair. And that is not how we
24 want to proceed here in this court. And you will have, if you
25 want, you will have your opportunity to tell me in a robust,

1 factual fashion why the Government has lost their mind and we
2 will deal with that.

3 **THE DEFENDANT:** So Your Honor, can I just ask --

4 **THE COURT:** Sure.

5 **THE DEFENDANT:** --a question? The way I will do
6 that is by looking in my phone for the messages that I'm
7 talking about. So what will have happened -- and again, I did
8 get a new iPhone so I might have to -- someone may have to
9 reach out to the other people. These people are on my do not
10 contact list. So it will have to be handled counsel to
11 counsel. But what I'm wondering, Your Honor, is the simplest
12 way to do this is just for us to check on my phone whether or
13 not these messages are there.

14 If I'm going to be detained, how is it that we can do
15 this?

16 **THE COURT:** Right. And oh, the conundrum of wanting
17 to represent yourself, right? I mean, because you could
18 always hire an investigator. You can hire people to do the
19 actions for you, right? Because you are at a disadvantage. I
20 mean, you are representing yourself and you're detained.
21 That's two very bad things. But I'm certainly not in -- and I
22 don't know whether the Government got a warrant -- I have no
23 idea what -- anything about your phone. But, you know, I'm
24 certainly not going to start looking through people's phones.

25 **THE DEFENDANT:** But I do represent myself and so I

1 do have the right to represent myself. And so there is
2 inevitably this conundrum. I disagree with Your Honor, but it
3 is a conundrum that has to be resolved. And the question is
4 then how is it that we can resolve it?

5 **THE COURT:** So let me ask Government, what is up
6 with the phone that you took today?

7 **THE DEFENDANT:** No, I just gave it to my wife, Your
8 Honor.

9 **THE COURT:** All right, so the Government didn't
10 seize the phone, you gave it to your wife?

11 **THE DEFENDANT:** I didn't say they seized it, Your
12 Honor. They made me give it up and then they took it to my
13 wife because she dropped me off here. There was a pretext
14 arrest which I understand through pretrial.

15 **THE COURT:** So I guess I assumed that when you said
16 "the Government took my phone" that they have it in -- they
17 have it.

18 **THE DEFENDANT:** I don't think I used that word. If
19 I did, I apologize. Exactly what happened is that I was
20 arrested. I was required to surrender my phone and they gave
21 it to my wife.

22 **THE COURT:** Right.

23 **THE DEFENDANT:** The question is how it is that we can
24 resolve this conundrum of me being able to -- in a way that
25 doesn't concern the Government with my sending messages to

1 anybody or creating some sort of record, be able to just look
2 for these messages. And if the Government has a suggestion
3 about some practical way of doing that.

4 Your Honor, I am risking my entire reputation with you,
5 the Court, the world, that this is what's going to happen and
6 I think it would be -- everybody would be well advised if it's
7 possible for us to have a pragmatic solution to this for us to
8 take it.

9 **THE COURT:** Mr. Kibbe, any thoughts on that?

10 **MR. KIBBE:** Your Honor, if Ms. Howe has the phone,
11 then perhaps that's one way that Mr. Goldstein can get to the
12 messages that he's referring to. If there's specific people
13 that he needs to contact for this purpose, the Government
14 doesn't object to that and would be happy to receive those
15 facts.

16 And we'd say at this point, Your Honor, the facts that
17 the Government presented are in the motion. We're not playing
18 games here. We're not trying to disadvantage Mr. Goldstein.
19 The Government has a serious concern about these transfers and
20 evidence that Mr. Goldstein controlled or owned these accounts
21 and that's what we're presenting to the Court.

22 **THE COURT:** I'm not getting into this and I
23 appreciate the tuna net that Mr. Goldstein is trying to lay in
24 front of me, but the one thing that is questioned for the
25 Court is you don't show in any of those exhibits where it

1 went. So, you know, you show one-sided transfers, but there's
2 no -- I don't know where -- nothing you gave me shows me where
3 they went. Now maybe you don't know where they went, maybe
4 that's the nature of this kind of currency, I don't know. But
5 I'm sure you'll file something and we'll have a very robust
6 hearing about all of this.

7 But I also, before I end, I just want people to
8 understand what is not going to happen here. We are not going
9 to have a seminar on cryptocurrency, and wallets, and the Wild
10 West world of all these different tethered dollar, Bitcoin,
11 whatever. To me it's very simple: Whether -- and I already
12 found it because I already entered the order -- whether Mr.
13 Goldstein has violated my conditions of release which is
14 whether he transferred money or funds without talking to
15 Pretrial in advance. That is -- if we ever have a hearing on
16 this gentlemen, ladies, that's the hearing. It's did he
17 violate my conditions of release, that particular section.
18 Was he dishonest to Officer Smith in not revealing that he was
19 the owner of these two wallets. That is where we will go. We
20 will not -- I just don't have the bandwidth. I'm too old. I
21 don't understand. I don't even know what LinkedIn is. I'm
22 not doing cryptocurrency stuff. We're not doing it. It's not
23 for me. So I don't want to go too far astray here. It's a
24 very narrow issue and that's where we are.

25 All right. Last word, Mr. Goldstein. Go ahead.

1 **THE DEFENDANT:** I'm sorry. I meant to say first
2 Your Honor, that's exactly right. The messages that I'm
3 talking about are just going to be about ownership. It's
4 nothing to do with high-tech details of cryptocurrency.

5 The other thing I meant to say is this motion is going to
6 disprove itself. Here is what's going to happen: They're
7 saying these accounts are in use. You're about to put me in
8 jail. I think since they're in use they're going to keep
9 getting used. And I want to know how long it takes the
10 Government to come back to you and say we were watching
11 this -- nobody could know. This is, right, not at my behest.
12 I was just arrested without any warning. How long is it going
13 to take the Government to say you know what, Your Honor, we
14 noticed that Mr. Goldstein can't be doing this, he's in jail.

15 **THE COURT:** Right, because it's a shared wallet or
16 something else. I understand that. And that's -- the
17 Government is going to have to answer that and, you know, it's
18 a big step to tell a federal judicial officer that you want to
19 revoked someone's conditions of release based on certain
20 conduct. And if that conduct turns out to be untrue then
21 they're -- can't say what I want to say -- there are
22 consequences to that. But we're not there yet, okay.

23 **THE DEFENDANT:** As long as there will be
24 consequences, I'm good, Your Honor.

25 **THE COURT:** Anything else? Anything else?

1 **MR. KIBBE:** No, Your Honor.

2 **THE COURT:** All right, thank you all very much.

3 (**Whereupon the proceeding was concluded at 3:23**
4 **p.m.)**

5 **CERTIFICATE OF OFFICIAL REPORTER**

6
7
8
9 I, Nadine M. Bachmann, Registered Merit Reporter and
10 Certified Realtime Reporter, do hereby certify that the
11 foregoing is a correct transcript of the audio-recorded
12 proceedings in the above-entitled matter, audio recorded via
13 FTR Gold on February 10, 2025, and transcribed from the audio
14 recording to the best of my ability and that said transcript
15 has been compared with the audio recording.

16

17 Dated this 12th day of February, 2025

18

19 -S-

20

NADINE M. BACHMANN RMR, CRR
FEDERAL OFFICIAL COURT

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<p>\$</p> <p>\$1,000 [1] - 28:10 \$200,000 [1] - 21:23</p> <p>1</p> <p>10 [2] - 1:9, 34:13 12th [1] - 34:17 13 [1] - 12:4 150 [1] - 1:16 16 [1] - 8:11</p> <p>2</p> <p>2.142 [1] - 1:16 20002 [1] - 1:16 2025 [4] - 1:9, 8:11, 34:13, 34:17 20770 [1] - 1:14 22 [1] - 8:12 24 [1] - 26:17 2:39 [1] - 2:2</p> <p>3</p> <p>3148 [3] - 17:12, 27:1, 27:2 3:23 [1] - 34:3</p> <p>6</p> <p>6406 [1] - 1:13</p> <p>8</p> <p>800 [1] - 1:13 8:25-cr-00006-LKG [1] - 1:4</p> <p>A</p> <p>abide [1] - 27:4 ability [4] - 3:18, 12:24, 28:16, 34:14 able [9] - 5:3, 11:16, 18:8, 20:19, 22:6, 22:10, 28:19, 30:24, 31:1 above-entitled [1] - 34:12 absolutely [1] - 11:24 accept [1] - 11:14 access [3] - 7:25, 21:17, 27:20 account [3] - 21:11, 21:13, 28:11 accounts [11] - 17:17, 20:8, 22:8, 24:22, 25:2, 25:4, 25:7,</p>	<p>27:25, 31:20, 33:7 acknowledging [1] - 7:3 acquitted [1] - 10:18 Action [1] - 2:6 actions [1] - 29:19 Adam [1] - 1:21 add [1] - 25:10 addition [1] - 20:5 additional [2] - 14:4, 20:5 adhere [1] - 8:1 adjudicated [1] - 16:13 adjustments [1] - 11:1 administration [1] - 24:8 admonitions [1] - 6:3 advance [1] - 32:15 advised [1] - 31:6 advisory [1] - 11:2 advocate [1] - 14:22 affirm [1] - 12:3 affirmatively [1] - 20:7 afford [1] - 3:5 afternoon [6] - 2:3, 2:8, 2:14, 2:15, 2:16, 2:18 agents [1] - 18:8 ahead [3] - 19:21, 27:9, 32:25 aided [1] - 1:25 aim [1] - 23:16 alleging [1] - 25:2 allow [2] - 3:10, 11:23 allowed [2] - 25:21, 27:11 alone [1] - 9:24 Amendment [3] - 4:6, 4:7, 6:1 AMERICA [1] - 1:3</p>	<p>15:4 appearing [1] - 1:17 appellate [1] - 9:15 applies [1] - 4:21 apply [1] - 3:4 appointed [2] - 3:5, 16:8 appreciate [3] - 5:23, 6:5, 31:23 approach [1] - 24:3 appropriate [3] - 4:4, 10:13, 12:8 approval [1] - 17:25 areas [1] - 14:4 argument [2] - 5:3, 16:22 arrest [3] - 2:21, 5:7, 30:14 arrested [4] - 20:15, 22:5, 30:20, 33:12 articulate [1] - 12:19 assistant [1] - 2:9 assume [3] - 7:12, 16:1, 17:2 assumed [1] - 30:15 astray [1] - 32:23 attentive [1] - 13:20 attorney [6] - 4:18, 6:5, 7:8, 13:6, 14:24, 26:16 Attorney [2] - 2:9, 3:1 ATTORNEY [1] - 1:13 audio [4] - 34:11, 34:12, 34:13, 34:15 audio-recorded [1] - 34:11 avoidance [1] - 4:25 aware [2] - 3:10, 12:6</p>	<p>BEFORE [1] - 1:8 behalf [2] - 2:11, 15:18 behest [1] - 33:11 belief [1] - 17:16 believes [1] - 17:7 belong [2] - 5:10, 6:25 benefit [1] - 18:10 Berman [3] - 3:9, 15:5, 15:8 best [1] - 34:14 beyond [1] - 26:2 big [1] - 33:18 bit [1] - 19:10 Bitcoin [1] - 32:10 blind [1] - 26:19 Booker [1] - 13:15 Bowl [1] - 26:22 brief [1] - 5:2 bring [1] - 4:2 brings [1] - 2:19 broader [1] - 23:22 build [1] - 23:23 building [1] - 19:10 BY [2] - 1:12, 1:15</p> <p>C</p> <p>calculated [1] - 11:2 California [1] - 7:6 Canada [1] - 23:8 cannot [1] - 15:16 capacity [3] - 12:2, 14:17, 15:3 career [1] - 23:6 case [14] - 2:4, 2:5, 8:7, 9:2, 9:11, 9:19, 12:24, 13:25, 17:21, 18:8, 23:4, 23:6, 23:11, 23:25 CASE [1] - 1:4 cases [6] - 3:11, 8:21, 9:14, 13:11, 14:10, 16:8 century [2] - 13:7, 13:10 certain [1] - 33:19 certainly [3] - 9:21, 29:21, 29:24 CERTIFICATE [1] - 34:5 Certified [1] - 34:10 certify [1] - 34:10 challenge [1] - 28:20 challenges [1] - 14:16 change [2] - 11:16, 28:21 changes [1] - 18:21 charges [4] - 8:10, 8:11, 14:18, 23:25</p> <p>conduct [5] - 8:2,</p>
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